

**PHILLIPS, LYTLE, HITCHCOCK, BLAINE & HUBER LLP**

ATTORNEYS AT LAW

3400 HSBC CENTER, BUFFALO, NEW YORK 14203-2887

(716) 847-8400 • FAX: (716) 852-6100

www.phillipslytle.com

BUFFALO • FREDONIA • JAMESTOWN • NEW YORK • ROCHESTER

**OFFICIAL**

Facsimile Transmission Cover Sheet  
Please Deliver The Attached Document ASAP

**Confidentiality Notice**

This Transmission Is Intended Only For The Use Of The Individual Or Entity To Which It Is Addressed And May Contain Confidential Information Belonging To The Sender Which Is Protected By The Attorney-Client Privilege. If You Are Not The Intended Recipient, You Are Hereby Notified That Any Disclosure, Copying, Distribution Or The Taking Of Any Action In Reliance On The Contents Of This Information Is Strictly Prohibited. If You Have Received This Transmission In Error, Immediately Notify Us By Telephone To Arrange For Its Return.

**Date:** September 9, 2003**Time:** \_\_\_\_\_**Pages:** Cover + 19**To:****Fax Number:**

Examiner Leslie A. Wong

703-872-9311

**Comments:**

<b>From:</b> Peter K. Sommer	<b>Equitrac Init:</b> PKS2	<b>Ext:</b> 8345
<b>Client:</b>	<b>File #:</b>	
<b>Re:</b>	<b>ID #:</b> 3003.10000	

If You Do Not Receive All Pages As Indicated, Please Notify Us Immediately At (716)847-5423**Original Mailed? Yes**

Fredonia Office: 11 East Main Street, Fredonia, New York 14063, Fax: (716) 872-7679, Telephone: (716) 672-2164  
Jamestown Office: 307 Chase Lincoln First Bank Building, Jamestown, New York 14701, Fax: (716) 864-4230, Telephone: (716) 864-9906  
New York City Office: 437 Madison Avenue, 34<sup>th</sup> Floor, New York, New York 10022, Fax: (212) 308-9079, Telephone: (212) 759-4888  
Rochester Office: 1400 First Federal Plaza, Rochester, New York 14614, Fax: (585) 232-3141, Telephone: (585) 238-2000

**RECEIVED**  
**CENTRAL FAX CENTER**  
SEP 10 2003

PHILLIPS LYTLE HITCHCOCK BLAINE &amp; HUBER LLP

№102335

48557

09/08/03 03003 10000

PAYMENT OF FILING FEE FOR REQUEST FOR

1,680.00

CONTINUED EXAMINATION AND THREE MONTH  
EXTENSION RE: U.S. PATENT APPLICATION  
SERIAL NO. 09/834,253 (CO-EXTRUDED  
CHEESE SNACKS)

PETER K. SOMMER

1,680.00

LASER CHECK (20) 025-100

✓ DETACH ALONG PERFORATION

Q-11-C-31 LG102

PHILLIPS LYTLE HITCHCOCK  
BLAINE & HUBER LLP  
CLIENT DISBURSEMENT ACCOUNT  
3400 HSBC CENTER  
BUFFALO, NY 14203HSBC BANK USA  
BUFFALO, NY 14203  
10-2220 750DATE  
09/08/03CHECK NO.  
102335AMOUNT  
\*\*\*\*\*1,680.00PAY  
TO THE  
ORDER OF

ONE THOUSAND SIX HUNDRED EIGHTY AND 00/100 DOLLARS

UNITED STATES PATENT AND TRADEMARK  
OFFICE

AUTHORIZED SIGNATURE

⑈ 102335⑈ ⑆022000020⑆ 750⑈7703⑈7⑈

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/834,253
	Filing Date	April 12, 2001
	First Named Inventor	Asher
	An Unit	1761
	Examiner Name	Leslie A. Wong
Total Number of Pages in This Submission	Attorney Docket Number	Sorrento-Asher

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Request for Continued Examination (RCE) is attached	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Phillips, Lytle, Hitchcock, Blaine & Huber LLP	
Signature	Peter K. Sommer, Reg. No. 26,587	
Date	September 9, 2003	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Peter K. Sommer, Reg. No. 26,587	
Signature		Date Sept. 9, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (08-03)

Approved for use through 07/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 1,680.00**Complete If Known**

Application Number	09/834,253
Filing Date	April 12, 2001
First Named Inventor	Asher
Examiner Name	Leslie A. Wong
Art Unit	1761
Attorney Docket No.	Sorrento-Asher

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
19-3320

Deposit Account Name

The Director is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
- ☐ Charge any additional fee(s) during the pendency of this application
- ☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

**SUBTOTAL (1) (\$)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2) (\$)**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES****Large Entity, Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of BIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	930.00
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
2021 40	2021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	750.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 1,680.00**SUBMITTED BY**

Name (Print/Type) Peter J. Sommer

Registration No. 26,587

(Attorney/Agent)

(Complete if applicable)

Telephone (716) 847-8345

Signature

Date

Sept. 9, 2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Received from &lt;17168526221&gt; at 9/9/03 3:45:44 PM [Eastern Daylight Time]

PTO/SS/30 (09-03)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/834,253
Filing Date	April 12, 2001
First Named Inventor	Asher
Art Unit	1761
Examiner Name	Leslie A. Wong
Attorney Docket Number	Sorrento-Asher

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required).

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☐ Deposit Account No. 19-3320

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 1,680.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name (Print/Type) <u>Debra W. Sommer</u>	Registration No. (Attorney/Agent) <u>26,587</u>
Signature <u>[Signature]</u>	Date <u>Sept. 9, 2003</u>

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Name (Print/Type) <u>Debra W. Sommer</u>	Date <u>Sept. 9, 2003</u>
Signature <u>[Signature]</u>	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.